

EXHIBIT C.11

THE UNITED STATES DISTRICT COURT
THE DISTRICT OF COLUMBIA

THE ESTATE OF ESTHER KLIEMAN, et al.,)

)

Plaintiff,)

)

vs.)

Case No.

) 04-1173 (PLF) (JMF)

)

THE PALESTINIAN AUTHORITY, et al.,)

)

Defendants.)

)

DEPOSITION OF

MAJED FARAJ

East Jerusalem, Israel

June 17, 2010

REPORTED BY: AMY R. KATZ, RPR

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1 Deposition of MAJED FARAJ, taken in the
2 above-entitled cause pending in the United States
3 District Court, District of Columbia, pursuant to
4 notice, before AMY R. KATZ, RPR, at the American Colony
5 Hotel, Executive Room, Nablus Road, East Jerusalem,
6 Israel, on Tuesday, the 17th day of June, 2010, at
7 9:30 a.m.
8
9 APPEARANCES:
10
11 FOR PLAINTIFF ESTATE OF ESTHER KLIEMAN, et al.:
12 HEIDEMAN NUDELMAN KALIK, PC
13 By: RICHARD D. HEIDEMAN, ESQ.
14 -and-
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22 FOR DEFENDANT THE PALESTINIAN AUTHORITY, et al.:
23 MILLER & CHEVALIER CHARTERED
24 By: TIMOTHY P. O'TOOLE, ESQ.
25 -and-
26 LAMIA R. MATTA, ESQ.
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33 ALSO PRESENT:
34 SARI SHABIB, Official Arabic Interpreter
35 (Arabic to English)
36 RANA SAED, Official Arabic Interpreter
37 (Arabic to English)
38 GEORGE HAZOU, Check Arabic Interpreter

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1 THE REPORTER: Good morning. My name is Amy
2 Katz. My business address is Hahagana 23/17, Rehovot,
3 Israel. The date is June 17th, 2010. The time is
4 9:40 a.m. We're at the American Colony Hotel in East
5 Jerusalem. The witness today is Majed Faraj.
6
7 SARI SHABIB,
8 the interpreter, was duly affirmed
9 to translate from English to Arabic
10 and from Arabic to English.
11
12 MAJED FARAJ
13 called as a witness, being first duly
14 affirmed, was examined and testified
15 as hereinafter set forth:
16
17 (The following proceedings were conducted
18 through the Arabic interpreter, unless otherwise
19 indicated.)
20
21 MR. HEIDEMAN: All the appearances,
22 including that of the court reporter, are the same as
23 yesterday, except let me take this opportunity to
24 introduce myself to the witness.
25 My name is Richard Heideman, and I am the

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1 attorney for the Klieman family. And next to me is my
2 law partner, Mr. Nudelman, and this is Nachman Klieman,
3 the father of Esther Klieman, and behind me Ruanne
4 Klieman, the mother of Esther Klieman, and this is Dov
5 Klieman, the brother of Esther Klieman.
6 Thank you all for being here today.
7 (Brief comment in Arabic by the witness.)
8 INTERPRETER SHABIB: He agrees, fine.
9 MR. HEIDEMAN: To the translator, we ask you
10 please to speak loudly, clearly, and slowly, and to
11 please translate everything said in English to the
12 witness and by the witness in Arabic back to English,
13 so everyone can hear you. And please tell the witness
14 what I have said. Thank you.
15 (Last colloquy translated.)
16 MR. HEIDEMAN: Thank you for being here
17 today, General Faraj. I understand you are the
18 official designee by the Palestinian Authority on a
19 number of issues involved in this case.
20 This case is the estate of Esther Klieman
21 and on behalf of her father, mother, brothers, against
22 the Palestinian Authority and the Palestine Liberation
23 Organization and others, arising out of the death of
24 Esther Klieman on March 24, 2002, pursuant to a notice
25 to take deposition --

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1 (Brief exchange in Arabic between
2 Interpreter Shabib and Interpreter Hazou.)
3 MR. HEIDEMAN: And logistical coordination
4 agreements between the lawyers for the Palestinian
5 Authority and the other defendants, and we as lawyers
6 for the plaintiffs.

7 It has been requested of the Palestinian
8 Authority to designate official representatives to
9 answer questions and provide information under oath in
10 this case. One deposition was already taken on
11 financial matters.

12 (Brief exchange in Arabic between
13 Interpreter Shabib and Interpreter Hazou.)

14 MR. HEIDEMAN: Yesterday the deposition was
15 taken on what I will refer to as organizational and
16 structural matters. And your deposition here today
17 relates to you being designated by the Palestinian
18 Authority as the person to answer questions and provide
19 information under oath on behalf of the Palestinian
20 Authority in matters relating to what we refer to
21 generally as security issues.

22 Accordingly, we thank you for taking your
23 time to be here today. We know how busy you are with
24 various things going on these days, and we understand
25 you must leave at three o'clock. Accordingly, the

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1 translation, and not for the purpose of telling you
2 what to say.

3 We are here cooperatively, in the interests
4 of justice in this case, which eventually will be
5 presented to a trial before a jury in Washington, D.C.,
6 and your transcript presumably will also be reviewed by
7 the judge. And therefore we must all take care to be
8 sure everything is accurate and complete.

9 Lastly, each question which I ask you or
10 which counsel for the defendants asks you, please
11 understand, is being asked to you as the official
12 designee of the Palestinian Authority. And therefore,
13 to save time and words to be translated, I will attempt
14 to refrain during my questioning from reminding you as
15 the witness that all questions are being asked to you
16 as the official designee of the Palestinian Authority.

17 If at any time you have a question, please
18 feel free to ask. If you need a recess or anyone does,
19 please feel free to ask. And if you need to consult
20 with your attorneys, please feel free to ask.

21 However, we would request that, to the
22 extent possible, from the time we begin the questioning
23 now, that you understand you are a witness giving
24 testimony throughout the day, and therefore we ask you
25 to be sure that you consider each answer based upon

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1 lawyers have agreed to recess at three o'clock and can
2 reconvene at another time convenient to your schedule
3 in the future.

4 If there is any question, General, which I
5 ask you which you do not understand, please ask me to
6 repeat it.

7 It is important that each word spoken in
8 this room by everyone, including you, is clear and
9 understood, and so the court reporter can take down
10 into the court record everything said.

11 In that regard, the court record, of course,
12 is in English, as the court is the United States
13 District Court for the District of Columbia.
14 Accordingly, we have a translator here who is a
15 certificated translator, whose job it is to accurately
16 and completely translate every English word spoken in
17 this room to Arabic and every Arabic word spoken in
18 this room to English.

19 If any translation is not perfect, it is
20 unintentional, and there is here in the room a
21 consultant to the defendants who is also a translator.
22 And he, as well as one of the lawyers, as I understand
23 it, speak Arabic very well; and they will listen
24 carefully, and if a translation is not perfect, they
25 will comment solely for the purpose of correcting the

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1 your knowledge and information as the official designee
2 of the Palestinian Authority. And if you do not know
3 an answer, it is perfectly acceptable to truthfully say
4 "I don't know," or to say "I will have to check
5 something in order to determine this answer."

6 And because we will be breaking early today,
7 anything not completed today for any reason, we will
8 complete in our next session to be scheduled.

9 Thank you for listening to and receiving my
10 introductory points. It may be that before I ask now
11 the first question, the lawyer for the Palestinian
12 Authority may have some similar or different remarks,
13 and as a matter of professional courtesy, because we
14 are all here to do a professional job, let me pause and
15 ask counsel for the Palestinian Authority if he has a
16 point or points to add before we begin the questioning.

17 Thank you very much.

18 (Brief exchange in Arabic between
19 Interpreter Shabib and Interpreter Hazou.)

20 MR. O'TOOLE: Thank you, Mr. Heideman.

21 One quick clarification, because I know the
22 General would like to get started. By our agreement,
23 the General is the spokesperson for the Palestinian
24 Authority only on designated security issues, as
25 Mr. Heideman said. And just for the record, I want to

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1 place the numbers of the paragraphs in the deposition
 2 notice on which he has been designated.
 3 INTERPRETER SHABIB: Okay, I stopped until
 4 the part of "designated for security purposes." Could
 5 you continue, please?
 6 MR. O'TOOLE: We have designated the General
 7 for specific paragraphs in the deposition notice as the
 8 spokesperson for the Palestinian Authority.
 9 INTERPRETER SHABIB: Specific numbers of
 10 paragraphs?
 11 MR. O'TOOLE: Yes.
 12 Those designations are made without waiving
 13 our objections on legal grounds to some of those
 14 paragraphs.
 15 INTERPRETER SHABIB: Without any waiving of?
 16 MR. O'TOOLE: Objections.
 17 (Brief exchange in Arabic between
 18 Interpreter Shabib and Interpreter Hazou.)
 19 MR. O'TOOLE: Those categories are
 20 paragraphs 2, 3, 5, 8, 9, 11, 12, 13, 14, 15, and 16,
 21 to the extent those paragraphs relate to security
 22 issues.
 23 All other issues, to the extent the General
 24 has knowledge, he may speak to those issues, but not as
 25 the official designee of the Palestinian Authority.

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1 (Brief comment in Arabic by the witness to
 2 Interpreter Shabib.)
 3 MR. HEIDEMAN: You are required,
 4 Mr. Translator, please remember, to take every word
 5 said in English and translate it into Arabic, and every
 6 word said in Arabic and translate it to English,
 7 because otherwise the court reporter cannot report it.
 8 That's not a criticism; it's a reminder. A dialogue
 9 personally between the two of you in Arabic doesn't let
 10 those who don't speak Arabic understand.
 11 INTERPRETER SHABIB: Okay.
 12 MR. HEIDEMAN: Please tell the General what
 13 I have said.
 14 I didn't mean to interrupt. Were you
 15 finished?
 16 MR. O'TOOLE: All I meant to say is the
 17 defendants are ready to begin.
 18 (Last colloquy translated.)
 19 MR. HEIDEMAN: Thank you very much. Let us
 20 begin, unless the General himself has a question about
 21 all these introductory points.
 22 INTERPRETER SHABIB: He does not have any
 23 questions.
 24 MR. HEIDEMAN: Madam Court Reporter, kindly
 25 note the time.

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1 THE REPORTER: The time is 10:01.
 2 EXAMINATION
 3 BY MR. HEIDEMAN:
 4 Q. Would you please state your name, sir.
 5 A. Majed Ali Hamed Faraj.
 6 Q. I understand that you have the rank of
 7 general; is that correct?
 8 (Brief exchange in Arabic between
 9 Interpreter Shabib and Interpreter Hazou.)
 10 THE WITNESS: (In English.) Brigadier
 11 general.
 12 INTERPRETER HAZOU: Brigadier general; it's
 13 different.
 14 MR. HEIDEMAN: Let the record reflect by
 15 stipulation of counsel that the proper title is
 16 Brigadier General Majed Faraj.
 17 MS. MATTA: I'm going to have to interrupt
 18 and say that his title is General Faraj. The
 19 translation of "general" in Arabic is "lu'a."
 20 A. There are different expressions. Bringing
 21 -- you can see "lu'a" is for general is in Arabic, or
 22 brigadier general, which means "lu'a" in Arabic.
 23 Q. Thank you.
 24 Is your proper title, sir, brigadier general
 25 or general?

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1 A. He say that in Arabic it is called "lu'a"
 2 and it's our job to find the right word for it, either
 3 general or brigadier general.
 4 MR. HEIDEMAN: May we use the term -- I want
 5 to be proper and respectful to the witness. Shall we
 6 use the term "brigadier general" or "general"?
 7 Counsel, I propose "general," if that's agreeable.
 8 MS. MATTA: I agree.
 9 MR. O'TOOLE: We would agree to that.
 10 INTERPRETER SHABIB: He has no problem.
 11 Q. Thank you.
 12 General Faraj, please tell the court where
 13 you were born.
 14 A. He was born in Dheisha refugee camp, next to
 15 Bethlehem.
 16 Q. In what year?
 17 A. '63.
 18 Q. And where, sir, did you grow up?
 19 A. In the same place, in the refugee camp.
 20 Q. And where, sir, did you attend your first
 21 schooling?
 22 A. In the Dheisha refugee camp.
 23 Q. And where, sir, did you attend university?
 24 A. In the Open University of Jerusalem, if
 25 that's the correct name.

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1 INTERPRETER HAZOU: Al-Quds Open University,
2 that's the official name. I'm sorry, I should have
3 counsel tell you. Sorry.

4 MR. HEIDEMAN: Thank you, George. It's
5 actually helpful, so thank you very much.

6 Q. I understand, General Faraj, that you
7 attended Al-Quds Open University in Jerusalem; is this
8 correct?

9 A. This university is not only in Jerusalem.
10 It is all over Palestine.

11 Q. Thank you.

12 And did you receive a degree from Al-Quds
13 University?

14 A. He graduated with a baccalaureate. That's
15 what they get after four years of studying in that
16 university.

17 Q. Thank you.

18 And at any time, sir, have you attained any
19 additional degrees?

20 (Brief exchange in Arabic between the
21 witness and Interpreter Shabib.)

22 A. No, only four years of baccalaureate; did
23 not get additional degrees.

24 Q. Thank you.

25 Sir, have you published any books?

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1 A. No.

2 Q. Sir, have you written any articles in
3 magazines or periodicals?

4 (Brief exchange in Arabic between
5 Interpreter Shabib and Interpreter Hazou.)

6 A. No.

7 Q. Thank you.

8 Have you ever testified in a United States
9 federal court before today?

10 A. No, he did not.

11 Q. Have you ever testified through giving a
12 deposition in any court as you are giving here today?

13 A. No, he did not.

14 (Brief reporter clarification.)

15 Q. After you received your baccalaureate
16 degree, did you begin to work for any particular
17 company or government or organization?

18 A. I got my degree while I was working.

19 Q. In what year did you get your degree?

20 A. I got my degree at 2002.

21 Q. In what year did you begin studying at
22 Al-Quds Open University?

23 A. In the year -- I started studying in the
24 year '96.

25 Q. Prior to entering Al-Quds Open University

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1 for your studies, please tell the court what was your
2 first job?

3 A. I was working in the --

4 (Brief exchange in Arabic between
5 Interpreter Shabib and Interpreter Hazou.)

6 A. Preventive Security.

7 INTERPRETER HAZOU: Apparatus.

8 Q. In what year, sir, did you begin your first
9 job, which I understand is in preventive security?

10 A. '94.

11 Q. For which company or organization or entity
12 or government did you first begin working in 1994?

13 A. In the system of the preventive security
14 that belongs to the Palestinian National Authority.

15 Q. What work did you do in any field prior to,
16 that is before, 1994?

17 A. Before -- I need a certain period of time.

18 Q. Thank you.

19 In what year did you graduate high school?

20 A. I did not finish high school. I only did
21 the matriculation exam.

22 Q. In what year, sir, did you do the
23 matriculation exam?

24 A. '94-'95.

25 Q. You earlier told us that you were born in

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1 1963. In what year did you leave high school?

2 A. I did not enter high school.

3 Q. In what year did you last attend school as a
4 young person?

5 A. His last year as a student in a school was
6 in the year '78 and '79.

7 MR. HEIDEMAN: I remind the translator that
8 it's important to translate exactly as if you were the
9 witness, so you cannot say "his" words, you have to say
10 "I." Do you understand?

11 INTERPRETER SHABIB: I do.

12 MR. HEIDEMAN: Please tell the General what
13 I said, so he fully understands.

14 (Last colloquy translated.)

15 Q. Beginning from 1979, when you left as a
16 student, what work did you do first, and then next and
17 then next, in chronological order, please, sir.

18 A. After leaving, after leaving school, I kept
19 working in my original job, which is in shellfish.

20 INTERPRETER HAZOU: In shells.

21 A. Okay, like, seashells where they prepared
22 jewelry and accessories out of seashells. It was in

23 Beit Sahour, next to Bethlehem. I worked in a
24 supermarket in an area called Ramat Denya next to

25 Malkha. I worked in Ma'ale Adumim, and I have worked

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1 in various areas in Israel, such as Talpiot, Kiryat
2 Menakhem and Baka. Except working in the supermarket
3 and in the shell business, the majority of my work was
4 in construction.

5 I have worked in the Arabic studies
6 organization in Jerusalem. I have worked in a place
7 called Childhood Resources, where I have prepared toys
8 for kids. And this was my last job before joining the
9 National Authority in '94.

10 If you want more information, I used to sell
11 newspapers and ice cream in the street.

12 Q. Thank you for sharing your background with
13 us.

14 Before you became employed by the
15 Palestinian National Authority in 1994, did you do any
16 work with or have any jobs with or were you a member or
17 otherwise affiliated with the Palestine Liberation
18 Organization? And please excuse the question that
19 includes compound parts, as I've tried to ask this all
20 in one question.

21 A. As the one question, I am -- as a product of
22 the Palestinian people, the PLO is the legitimate and
23 the only representative of the Palestinian people, and
24 the party -- the political agenda that I most related
25 to was the Fatah agenda.

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1 Q. Were you at any time employed by the
2 Palestine Liberation Organization, and if so, did you
3 receive compensation?

4 (Brief exchange in Arabic between the
5 witness and Interpreter Shabib.)

6 A. In which time, which period?

7 Q. At any time prior to 1994.

8 A. No, I did not.

9 Q. Prior to 1994, at any time, were you
10 employed by or did you receive any compensation from
11 Fatah?

12 A. No.

13 Q. What position did you first hold with the
14 Palestinian National Authority beginning in 1994, when
15 you first joined them?

16 A. In 1994 we began establishing the Preventive
17 Security System, and I was one of the members who were
18 establishing this system.

19 Q. Thank you.

20 When you use the words "Preventive Security
21 System," to what, sir, are you referring?

22 A. It's a Palestinian security system called
23 the Preventive Security System.

24 Q. I have heard the words used "Preventive
25 Security Apparatus." Does that have some special

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1 meaning for you in giving these answers?

2 (Brief exchange in Arabic between
3 Interpreter Shabib and Interpreter Hazou.)

4 MR. HEIDEMAN: To put it in context, I heard
5 that word used here in the deposition room during one
6 of the answers, and if that's part of the name of your
7 work, then I want to be sure we're accurate.

8 Let's pause and go off the record for just a
9 moment.

10 (Recess taken from 10:24 to 10:38.)

11 MR. HEIDEMAN: Back on the record.

12 BY MR. HEIDEMAN:

13 Q. General Faraj, thank you for your patience.

14 The discussion among the lawyers in English
15 has been about the term "preventive security" and
16 precisely what it was that you joined when you were
17 hired in 1994 by the Palestinian National Authority.
18 Accordingly, so the record is clear, I will ask a new
19 question. Thank you.

20 General Faraj, please tell the court which
21 agency or division or ministry or part of the
22 Palestinian National Authority you joined when you
23 first became employed in 1994 by the Palestinian
24 National Authority.

25 A. The Preventive Security Service belongs to

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1 the Ministry of Interior, Palestinian Ministry of
2 Interior.

3 Q. When you first joined in 1994 the
4 Palestinian National Authority, what was your first
5 job?

6 A. In '94, when after signing Oslo Agreement in
7 '93, there was no clear -- there was nothing such as
8 the Palestinian Authority. It was not established yet.
9 But according to the Oslo Agreement, we started
10 establishing a preventive security agency or service.

11 INTERPRETER HAZOU: "One in the West Bank,
12 one in Gaza."

13 INTERPRETER SHABIB: "One in the West Bank,
14 one in Gaza." Excuse me.

15 A. And the first job I had was in
16 administration. And the second job I have had was the
17 chairman of the Preventive Security Agency in an area
18 south of Hebron called Doura, from the year '96 until
19 the year '98. And from the years '98 till 2000 I have
20 worked the same job but in Bethlehem.

21 From 2000 to approximately 2003, at the end
22 of 2002, I have had the same job in the whole district
23 of Hebron. In 2003 and 2004 I was the director of
24 training and planning in the Preventive Security
25 Service. In 2005 and 2006 I was a director of security

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1 issues in the Ministry of Interior. And from 2007 to
 2 2009 I was the director of militant agency.
 3 MS. MATTA: "Military intelligence."
 4 INTERPRETER SHABIB: "Military intelligence
 5 agency." Sorry.
 6 A. And from September 2009 till today, I am --
 7 (Brief comment in Arabic by the witness.)
 8 A. He is the head of the General Intelligence
 9 Agency. And this is the chronicle.
 10 MR. HEIDEMAN: Thank you very much.
 11 MS. MATTA: I'd like to put a few
 12 corrections on the record, if I might, just across the
 13 board.
 14 MR. HEIDEMAN: Let's take them one at a
 15 time.
 16 MS. MATTA: From '96 to '98 he was the
 17 director of the Preventive Security Service in Doura.
 18 MR. HEIDEMAN: Pause for just a second. I
 19 believe when he gave his answer on that particular
 20 position, the translator used the word "chairman."
 21 Counsel is advising that it should not be chairman, but
 22 the proper translation would have been director; is
 23 that correct?
 24 INTERPRETER HAZOU: That's correct.
 25 MS. MATTA: That's correct.

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1 MR. HEIDEMAN: Please tell the witness that
 2 we understand, and please confirm that his position was
 3 as director of the Preventive Security Agency from 1996
 4 to 1998 in Doura.
 5 (Last colloquy translated.)
 6 THE WITNESS: Correct.
 7 MR. HEIDEMAN: Thank you.
 8 MS. MATTA: The next correction I'd like to
 9 make is that from the year 2000 to the year 2003, he
 10 was the director of the Preventive Security in the
 11 Hebron governorate and not in the Hebron district, as
 12 was translated.
 13 INTERPRETER HAZOU: It's bigger.
 14 MR. HEIDEMAN: Please translate that to the
 15 witness.
 16 (Brief exchange in Arabic between the
 17 witness and Interpreter Shabib.)
 18 MR. HEIDEMAN: Is that correct?
 19 THE WITNESS: That is correct.
 20 MR. HEIDEMAN: Thank you. The record will
 21 so reflect.
 22 Was there another one, counsel?
 23 MS. MATTA: That's it for the corrections.
 24 Thank you.
 25 BY MR. HEIDEMAN:

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1 Q. General Faraj?
 2 A. (In English.) Please. Faraj.
 3 Q. I apologize. I will do the best I can.
 4 A. You might say "Faraj" and refer to someone
 5 else.
 6 Q. If I just use the word "General," then I am
 7 referring to you as a matter of respect, because I
 8 don't want to mispronounce your name. And I don't want
 9 the record to reflect that I'm referring to anyone
 10 other than you. So thank you.
 11 When, sir, you first joined the Palestinian
 12 National Authority, were you employed in the
 13 Palestinian Ministry of Interior from the first moment
 14 of your employment?
 15 A. The -- he was a part of the preventive
 16 agency, Preventive Security Service that in the
 17 structure of the Palestinian -- in Palestine, it
 18 belongs to the Ministry of Interior.
 19 Q. Thank you.
 20 Did the Preventive Security Service, or I've
 21 also heard it referred to as Preventive Security
 22 Agency, or I've also heard it referred to as Preventive
 23 Security Apparatus, did all of that, whatever the
 24 proper name is, begin from the first day as part of the
 25 Palestinian Ministry of Interior?

Page 25

1 A. Correct.
 2 Q. And so the record is correct, do we
 3 understand correctly that the terms "Preventive
 4 Security Apparatus," "Preventive Security Agency,"
 5 "Preventive Security Service," are all the same,
 6 referring to the Preventive Security System of the
 7 Palestinian Ministry of Interior?
 8 MR. HEIDEMAN: Please translate.
 9 (Brief exchange in Arabic between the
 10 witness and Interpreter Hazou.)
 11 MR. HEIDEMAN: You must translate every
 12 word, every word.
 13 INTERPRETER SHABIB: I'm listening to the
 14 complete sentence.
 15 A. The Preventive Security Service was
 16 established with the Palestinian National Authority in
 17 '94, and directly was -- directly belonged to the
 18 ministry, and the Ministry of Interior. And by the
 19 Palestinian law it went to the Ministry of Interior.
 20 In 2005 this law was passed by the LC.
 21 Q. Thank you.
 22 General, was the Preventive Security
 23 Apparatus the same as Preventive Security System, being
 24 the same as the Preventive Security Agency, being the
 25 same as the Preventive Security Service? And if so, if

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1 they are all the same, we will then use one of those
2 terms to accurately and agreeably identify the
3 preventive security function under the Palestinian
4 Ministry of Interior.

5 MR. O'TOOLE: I at this time -- let him
6 translate first.

7 (Pending question translated.)

8 MR. O'TOOLE: And I'd like to object here in
9 terms of vagueness, and let me explain, because it's an
10 unusual vagueness objection.

11 My understanding is that there is just a
12 single term for all the terms for "agency." "Agency,"
13 "service," all of those are the same term in Arabic.
14 So the way the question is being translated to him is,
15 "Did you say that you were the preventive service,
16 service, service." So it's not an understandable
17 question.

18 MR. HEIDEMAN: Is that correct? There's one
19 word?

20 INTERPRETER SHABIB: I've tried to bring
21 some synonyms that were really close to each other, but
22 they are somehow the same.

23 (Brief exchange in Arabic between the
24 witness and Interpreter Shabib.)

25 A. In Arabic we have a collection of words,

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1 BY MR. HEIDEMAN:

2 Q. Thank you for the explanation.

3 What is the Arabic name for the Preventive
4 Security function you first joined with in the
5 Palestinian Ministry of Interior, in Arabic? Is it
6 "Jihaz"?

7 A. He was an employee in the Preventive
8 Security System.

9 MR. HEIDEMAN: And so the court reporter has
10 the spelling of the Arabic word properly, please repeat
11 it and tell the witness what you are doing.

12 INTERPRETER SHABIB: Do you want his job or
13 the name of the service?

14 MR. HEIDEMAN: The name of the service.
15 (Last colloquy translated.)

16 A. Jihaz al Amen Alwekael.

17 MR. HEIDEMAN: On the record, now that this
18 issue has consumed so much time, in order to deal with
19 the explanations from counsel and objections from
20 counsel, is there a particular term, counsel, that we
21 can stipulate to that addresses the issue of the
22 Palestinian Security, a system or services or agency,
23 with what I now understand you're telling us is all the
24 same? Therefore, let's agree on what is the right name
25 for the Palestinian Preventive Security apparatus, so

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1 group of words. Maybe in English all these words, all
2 these meanings are summed in one word. "Service" is
3 not an "agency" or a "system," and not an
4 "organization."

5 INTERPRETER HAZOU: "And not a faction."

6 A. Not a faction, not a party. It's "system."
7 It's system, it's a system. As in any country, it's
8 called a system. Like in Israel there is a Shabak
9 system, the Shin Bet system. In the United States it's
10 called agency. In Jordan, Amman, it's called
11 directory.

12 INTERPRETER HAZOU: "Directorate."

13 A. In Palestine it's called Preventive Security
14 System.

15 INTERPRETER SHABIB: We're going into the
16 same problem, I think.

17 MR. HEIDEMAN: Okay. Let's not waste more
18 time on such an issue. I thought I was trying to clear
19 up a problem I heard. Maybe there isn't a problem. I
20 thought I heard it from defense counsel. Let's move
21 on.

22 Please translate as I speak to the witness.

23 So now tell him what I said, so he knows we're trying
24 to finish this subject and move on.

25 (Last colloquy translated.)

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1 that the record can be clear and we can move to more
2 important issues.

3 MS. MATTA: Can I, in the interest of
4 clarity, put something on the record?

5 MR. HEIDEMAN: Yes.

6 MS. MATTA: The question that you're asking
7 him he's unable to answer, because what he understands
8 is, if what you're saying is, is the preventive
9 security unit the preventive security apparatus, the
10 prevent security service, or the prevent security
11 entity -- it's all the same thing. So for him, he's
12 unable to say yes. Those four things are the same
13 thing. He's just not willing to sort of generalize.

14 Now, I think we're going to have to agree on
15 a translation and leave it at that. As I said earlier,
16 my preference for this translation is that it be the
17 Preventive Security Service. And while we're here --

18 MR. HEIDEMAN: Agreed. Preventive Security
19 Service. The confusion -- this isn't blame, but the
20 confusion arose because during the first time the
21 witness was asked the question, your check translator,
22 and again, I'm not being negative, said it is a
23 preventive security apparatus, rather than the way the
24 translator was translating it. And then we got into
25 the whole discussion among counsel as to, well, was it

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1 an apparatus at the beginning, or a system or an agency
2 or a service.

3 I want to move on, and I'm understanding
4 that counsel's preferred translation is Preventive
5 Security Service, and that that would apply from 1994
6 all the way through now.

7 MR. O'TOOLE: We will stipulate to that.

8 MR. HEIDEMAN: Thank you.

9 And unless from some other source I learn
10 that there is some importance to a graduation of names
11 over time, we will stay with this term, Preventive
12 Security Service, to apply from the beginning of time
13 to the end of the case. Is that agreeable?

14 MR. O'TOOLE: That's agreeable.

15 MR. HEIDEMAN: And this stipulation is for
16 purposes of this deposition and purposes of this
17 witness' testimony. Is that agreed to?

18 MR. O'TOOLE: That is agreed to.

19 And one more quick clarification for the
20 record; I didn't want to interrupt once you started
21 questioning. Earlier, when I listed the numbers of the
22 designation, I added number two incorrectly. Number
23 two was not a designation, and I believe counsel is
24 indicating that.

25 MR. HEIDEMAN: Thank you.

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1 Please tell the witness what has just
2 occurred so we can then move on.

3 (Last colloquy translated.)

4 INTERPRETER SHABIB: Okay.

5 MR. HEIDEMAN: Madam Court Reporter, kindly
6 note the time.

7 THE REPORTER: It's now 10:54.

8 MR. HEIDEMAN: Thank you.

9 BY MR. HEIDEMAN:

10 Q. General, what were your first work
11 assignments when, in 1994, you became employed by the
12 Palestinian National Authority, working in the
13 Palestinian Ministry of Interior, and specifically
14 assigned to the Preventive Security Service?

15 A. My first assignment in the Preventive
16 Security Service to find a place to construct a center
17 for the Preventive Security Service in Bethlehem.
18 Because in that area, practically in that area there
19 were no offices, no centers, no representation of the
20 Palestinian National Authority in Bethlehem.

21 Q. Thank you.

22 And generally what other type of work did
23 you do from 1994 through 1996, in working for the
24 Preventive Security Service?

25 A. Order and security in the West Bank and also

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1 in Gaza by the Preventive Security Service. Also in
2 Gaza they had the same job and the same tasks. And
3 fighting extremists and violence, and maintaining
4 political obligations for the Palestinian National
5 Authority. These are the three things I have worked on
6 from the beginning, other than the inner issues, inner
7 things, such as training, such as planning, such as
8 developing.

9 Q. The three things which I heard you say were
10 your work areas, one, order and security in the West
11 Bank and Gaza, correct?

12 A. His responsibilities -- my responsibilities
13 were in the West Bank only.

14 Q. Thank you for the clarification.

15 And the second area of your work, I
16 understand you said fighting extremism and violence; is
17 that correct?

18 A. Fighting extremity (sic) and violence.

19 Q. Fighting extremism and violence?

20 INTERPRETER SHABIB: Yes.

21 MR. HEIDEMAN: Repeat what I said.
22 (Pending question translated.)

23 A. Correct.

24 Q. And the third that I heard as your work
25 areas were political obligations for the Palestinian

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1 National Authority; is that correct?

2 A. Okay. He clarified that in Oslo there was
3 an agreement to establish a National Palestinian
4 Authority. The obligation is that the Palestinian
5 National Authority have agreed on and signed on --
6 (Brief exchange in Arabic between
7 Interpreter Shabib and the witness.)

8 A. And that the National Palestinian Authority
9 have confirmed and signed to these political
10 obligations that were set by the Oslo agreements. One
11 part of these obligations are political obligations,
12 political obligations such as maintaining security and
13 peace for two nations for two people, and solving the
14 issues of the conflict through negotiations. And their
15 job was to set an atmosphere, the right and suitable
16 atmosphere to maintain all these obligations.

17 MS. MATTA: If I might just make one
18 correction --

19 MR. HEIDEMAN: Thank you. Please hold it.

20 Q. I also heard you say that your work areas of
21 responsibility included training, planning, and
22 development; is that correct?

23 A. Correct, in the Preventive Security System
24 -- service.

25 MR. HEIDEMAN: Thank you. Let's go off the

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1 record for a moment.
 2 (Recess taken from 11:03 to 11:22.)
 3 MR. HEIDEMAN: Prior to the recess, there
 4 was off-the-record dialogue with counsel. Defense
 5 counsel has one, I understand, correction they wish to
 6 proffer into the record.
 7 MR. O'TOOLE: That's correct.
 8 MS. MATTA: Would you state to him that
 9 we're putting the discussion on the record, which is
 10 why we're having it now.
 11 (Last colloquy translated.)
 12 MS. MATTA: We would like to correct the
 13 official translation of "maintain obligations." Our
 14 recommended translation of the defendants is "preserve
 15 political commitments."
 16 The Arabic word that was used by the witness
 17 is "iltizam." The official translator believes that
 18 "obligations" is the correct translation. Defense
 19 counsel believes that "commitment" is the accurate
 20 translation.
 21 THE WITNESS: (In English.) I-L-T-Z --
 22 INTERPRETER SHABIB: He's correcting her
 23 spelling of the word "iltizam."
 24 (Brief exchange in Arabic between the
 25 witness and Ms. Matta.)

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1 INTERPRETER SHABIB: After the "T" there is
 2 no "A," he says.
 3 MR. HEIDEMAN: To the translator, is that
 4 the Arabic word that was used by the witness when you
 5 initially translated utilizing the word "obligations"?
 6 INTERPRETER SHABIB: Yes.
 7 MR. HEIDEMAN: Thank you very much.
 8 May we move on, counsel?
 9 MR. O'TOOLE: Yes.
 10 MS. MATTA: You may, but the witness would
 11 like me to spell the Arabic version differently on the
 12 record, which I will do. A-L-T-I --
 13 THE WITNESS: (In English.) No.
 14 (Brief exchange in Arabic between the
 15 witness and Interpreter Shabib.)
 16 THE WITNESS: (In English.) A-L-T-Z-A-
 17 M-A-T.
 18 INTERPRETER SHABIB: A-L-T-Z-A-M-A-T.
 19 That's how he spells it. The witness' suggestion for
 20 spelling the word is A-L-T-Z-A-M-A-T, "altamat."
 21 BY MR. HEIDEMAN:
 22 Q. Is that correct?
 23 A. In Arabic it is. In English, I don't know.
 24 That's how it's written in Arabic.
 25 MR. HEIDEMAN: To save time, I propose an

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1 additional procedure so we can avoid all this dialogue.
 2 Please, Mr. Translator, either you or the
 3 witness, write out that word on this piece of paper,
 4 and give it to the court reporter to save for reference
 5 at this point in the record, so the spelling is clear.
 6 (Witness complied.)
 7 INTERPRETER SHABIB: He has a comment before
 8 on the record.
 9 MR. HEIDEMAN: Off the record?
 10 (Brief exchange in Arabic between the
 11 witness and Interpreter Shabib.)
 12 INTERPRETER SHABIB: On the record.
 13 THE WITNESS: You have talked about
 14 training. I have talked about my job in the system
 15 that has something to do with training.
 16 What he have talked regarding training in
 17 the year '94 is related to general tasks in organizing
 18 and establishing -- in organizing, sorry, the service,
 19 the Preventive Security Service. In '03-'04, he has
 20 worked in training, that is correct. In '94 it was
 21 more such a general task, not my task.
 22 MR. HEIDEMAN: Thank you for that
 23 correction.
 24 BY MR. HEIDEMAN:
 25 Q. And we understand that for the Palestinian

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1 Preventive Security Service, from 1996 to 1998 you were
 2 director for Doura, correct?
 3 A. Correct.
 4 Q. And from 1998 to 2000, you were director of
 5 the Preventive Security Service for Bethlehem?
 6 A. Bethlehem governorate.
 7 Q. And from 2000 to 2003, you were director of
 8 the Preventive Security Service for the Hebron
 9 governorate?
 10 A. Not 2003, the end of 2002, which is
 11 approximately, as I say, 2003, the end of 2002.
 12 Q. The end of 2002, thank you.
 13 And from 2003 to 2004, for the Preventive
 14 Security Service, you were director of training and
 15 planning; is that correct?
 16 A. Correct.
 17 Q. And from 2005 through 2006, you, for the
 18 Preventive Security Service, were director of security
 19 issues for the Ministry of Interior?
 20 A. Till the beginning of 2007, which is
 21 January, he had held this job, and in February 2007, he
 22 held the job of being the head of the intelligence
 23 system.
 24 MS. MATTA: "Military intelligence."
 25 INTERPRETER SHABIB: "Military

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1 intelligence," yes.

2 Q. From February 2007 through 2009, through
3 August 2009, we understand that for the Palestinian
4 Preventive Security Service in the Ministry of
5 Interior, you were the director of military
6 intelligence; is this correct?

7 A. What was the year? The date is wrong. From
8 January 2007 till September 2009, he was the director.

9 Q. Thank you.

10 And since September 2009 through today, you
11 serve as the head of -- for the Preventive Security
12 Service in the Palestinian Ministry of Interior, you
13 serve as the head of general intelligence; is that
14 correct?

15 A. He asked what were you talking about, why
16 did you mention the Ministry of Interior and the
17 Preventive Security System while you were talking about
18 his job right now.

19 Q. Perhaps I misunderstood.

20 As the head of general intelligence today,
21 General, are you part of the Palestinian Preventive
22 Security Service?

23 A. They are two different things. There is
24 intelligence and there is Preventive Security Agency,
25 and they are two different, separate things.

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1 When I joined the Ministry of Interior, I no
2 longer had any job in the Preventive Security Service.

3 Q. And on what date did he move, therefore,
4 from the Preventive Security Service over to the
5 Ministry of Interior?

6 A. In the end of 2004.

7 Q. And is the present position which you hold,
8 General, as head of general intelligence, is that part
9 of the Ministry of Interior today?

10 A. According to the law --

11 (Brief exchange in Arabic between
12 Interpreter Shabib and Interpreter Hazou.)

13 INTERPRETER HAZOU: "Public service."

14 A. Public service law, his position belongs
15 directly to the president. However, in the daily
16 activities, when they have their activities --

17 MS. MATTA: "Operations."

18 A. Operations, it has a direct coordinative
19 work with the Ministry of Interior.

20 Q. Thank you very much.

21 So today, General, I understand you report
22 directly to the president of the Palestinian National
23 Authority; is this correct?

24 A. He gives reports to the president, to the
25 minister of the interior, and to the prime minister,

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1 each taking care of the issues that relates to each
2 person.

3 Q. Thank you very much.

4 General, please tell the court the nature of
5 your responsibilities when, from 2000 through 2002, you
6 were the director of the Preventive Security Service
7 for the Hebron governorate?

8 A. Basically the job was to provide security
9 and stability, arresting individuals and entities that
10 threaten the Palestinian security. This was the job at
11 the beginning of the 2000 -- before the outbreak of the
12 Intifada, of the Second Intifada. And they had a
13 special responsibility towards Hebron because it has
14 special amendments in the H1/H2 agreements, since
15 Hebron has some special issues that should be treated
16 differently.

17 They made a great effort to maintain these
18 two amendments, H1 and H2, along with the security --
19 along with guaranteeing the security of the Israeli
20 citizens, or as we call them, the settlers in Hebron.

21 MS. MATTA: H1 and H2 refer to areas.

22 That's what he's saying. There were agreements which
23 designated areas as H1 and H2 within Hebron, and he is
24 saying that his responsibility was to ensure security
25 between H1 and H2 areas in -- pursuant to their

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1 commitments in the agreements.

2 MR. HEIDEMAN: Thank you, counsel, for that
3 clarification. May we incorporate that into the -- as
4 part of the answer that you believe the witness gave?

5 MS. MATTA: Yes.

6 MR. HEIDEMAN: Thank you.

7 BY MR. HEIDEMAN:

8 Q. Tell the court, please, how your
9 responsibilities as the director of the Preventive
10 Security Service for the Hebron governorate changed
11 after the outbreak of the Second Intifada in September
12 2000?

13 A. They needed more effort and more
14 concentration on maintaining security and fighting all
15 the entities and all individuals who participated in
16 violence, including arms sales, including fighting them
17 and arresting them, and arresting each entity that
18 threatens Israeli security.

19 It was important to not give the opportunity
20 to any extremist from any side, Israel or Palestinian,
21 to -- to interrupt or to cause the failure of the
22 settlement of the political --

23 (Brief exchange in Arabic between the
24 witness and Interpreter Shabib.)

25 A. To interrupt the political negotiations.

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1 And Hebron, the governorate especially and the city,
2 they made great efforts to reach settlement or an
3 agreement with the Israeli side because -- because of
4 several instances that occurred in Hebron. And tens of
5 people were arrested, people who were well known to
6 threaten the security and the stability. And there was
7 coordination between them and the Israelis to guarantee
8 stability and tranquility in the governorate.

9 Q. Do I understand correctly that your direct
10 responsibilities from 2000 through the end of 2002 were
11 in the Hebron directorate -- Hebron governorate?

12 A. Correct.

13 Q. Were you personally involved in preventive
14 security efforts and activities in any other portion of
15 the West Bank during the time period from September
16 2000 through the end of 2002?

17 A. His direct responsibilities were in the
18 Hebron governorate. But he was an important
19 personality in the system. He had -- I had to give my
20 opinion, I had involvement in other cases in other
21 areas of the West Bank, not only Hebron. And we've
22 held meetings if it was possible, meetings of the
23 Service in the West Bank. So we -- I could be -- I
24 could have knowledge and opening and other cases and
25 other areas, not only Hebron. And also I make efforts

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1 not only in Hebron, and also outside of Hebron.

2 Q. Thank you.

3 Explain to the court please, General, how in
4 the West Bank and in Gaza and in the areas surrounding
5 Jerusalem the security situation changed for the
6 Palestinian Preventive Security Service after the
7 Second Intifada began in September 2000?

8 Please, sir, and I'm going to ask you to do
9 it in short, short phrases for the translator to
10 translate to English, and then you continue in Arabic
11 with each part. Please explain. Thank you.

12 A. It could be fluent more in the situation in
13 the West Bank, more in this area.

14 MS. MATTA: "During that period."

15 INTERPRETER SHABIB: "During that period,"
16 yes.

17 A. And it was known that in the end of 1999
18 there were Camp David negotiations in the United States
19 between Israel, America, and Palestine. And it was
20 known that we did not reach an agreement in these
21 negotiations in 1999, and two different point of views
22 appeared, an Israeli point of view, and a Palestinian
23 point of view that is a point of view of several
24 Palestinian organizations.

25 In the Israeli side there are groups that

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1 did not want to reach peace, and in the Palestinian
2 side there are also groups that do not want to reach
3 peace. And we all remember Sharon's visit to the Aqsa
4 mosque, and that his visit was not related to any
5 political authority of Sharon. And the Palestinian
6 point of view, his visit of to the Al-Aqsa mosque was
7 provocative and many Palestinian --

8 INTERPRETER HAZOU: "Factions."

9 A. Factions were satisfied and happy for that
10 visit, because in the two sides, in their point of
11 views, have point of views to terminate the political
12 procedure, political agreement.

13 And we were aware of this issue, and our
14 task was concentrated in not giving the opportunity and
15 the chance to all of the sides who wanted to terminate
16 or wanted to disturb the political procedure. And we
17 arrested any person that was known to threaten Israeli
18 security, was he or she in the West Bank or out of the
19 West Bank.

20 (Brief comment in Arabic by the witness.)

21 INTERPRETER SHABIB: Oh, sorry.

22 A. In the West Bank and in Israel.

23 And there was an open coordination with the
24 Israeli security systems. Because that period was
25 really hard on all of us. And we have worked in all --

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1 we have worked in all efforts possible to not drift to
2 bloodshed. We have arrested hundreds of Palestinians.
3 We have arrested cells that belonged to Hamas and to
4 the Jihad al-Islami. Because Hamas has the incentives
5 and the projects to terminate to the Palestinian
6 National Authority and the political procedure, and
7 have done many things inside Israel to provoke the
8 Israeli reaction against the Palestinian National
9 Authority.

10 (Brief exchange in Arabic between the
11 witness and Interpreter Shabib.)

12 A. And they used to fire on area -- from area B
13 -- from area A towards Israeli settlements in order
14 provoke the Israeli military break in area A and
15 terminate the Palestinian National Authority's presence
16 in that area. And had -- and tried to mobilize
17 individuals from the --

18 (Brief exchange in Arabic between the
19 witness and Interpreter Shabib.)

20 A. From different systems or from the National
21 Authority or regular individuals in order to --

22 (Brief exchange in Arabic between the
23 witness and Interpreter Shabib.)

24 A. To make the Palestinian National Authority
25 responsible for those actions. To make -- to make

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1 Israel consider the Palestinian National Authority
2 responsible for these actions. And Hezbollah have
3 joined this line in that period of time, and Hezbollah
4 tried to mobilize also groups that would fight the --
5 would fire and would have disputes with Israelis in
6 order to make them named under the authority of the
7 Palestinian Authority, that these actions are made by
8 the Palestinian Authority.

9 INTERPRETER HAZOU: "Or Fatah."

10 INTERPRETER SHABIB: "Or Fatah."

11 A. These are the circumstances we were working
12 under, and we were working against all the --

13 (Brief exchange in Arabic between the
14 witness and Interpreter Shabib.)

15 A. And the Israeli security system knows how
16 many times we have prevented and stopped any --

17 (Brief exchange in Arabic between

18 Interpreter Shabib and Interpreter Hazou.)

19 INTERPRETER HAZOU: "Operations."

20 A. Operations against Israel. And how many
21 times we have stopped bombing operations inside Israel,
22 and how many were arrested. Unfortunately, after each
23 operation Hamas does, the Palestinian National
24 Authority --

25 (Brief exchange in Arabic between

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1 to be arrested, that the Israelis have requested the
2 National Authority to arrest. Personally I had in my
3 -- in Hebron I had 18 people arrested, and I arrested
4 them according to the list. And we were extremely
5 serious, because we had foresight on the whole project,
6 on the whole -- because the extremists would pull
7 further objective, and the people from two sides will
8 pay the price, and this is what they are aspiring to.

9 And that's what happened, actually. Because
10 instead of talking on about a political solution in
11 2000 and 2001, we are now in 2010, even though the area
12 A that are under our control, as agreed, today we have
13 no full control and authority over them. For that
14 reason the extremists have fulfilled their object --

15 INTERPRETER HAZOU: "Objective."

16 A. Objective, by weakening the political
17 project, and Hamas have achieved their objective by
18 claiming and convincing that there is no political
19 project that might be successful, and that Israel has
20 destroyed and weakened the Palestinian Authority, and
21 one of the consequences of that, that Hamas have taken
22 over and control Gaza.

23 Q. Thank you for that important explanation.

24 Could you please tell the court what was the
25 structure of the Palestinian National Authority

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1 Interpreter Shabib and Interpreter Hazou.)

2 A. Gets destroyed as a reaction to these
3 operations that Hamas does. And commencing from 2001,
4 a series of destruction of security centers in the West
5 Bank were -- destruction of the security centers in the
6 West Bank. And each time we tried to reach an
7 agreement with Israelis directly or with international
8 intervention, Hamas or the Jihad makes an operation,
9 and the Israeli reaction comes towards the Palestinian
10 Authority.

11 (Brief exchange in Arabic between the
12 witness and Interpreter Shabib.)

13 A. Towards the Palestinian Authority and
14 towards the security systems. This is the reality they
15 lived in that, unfortunately, gave the opportunity --
16 opened the opportunity to all the extremists and
17 weakened the --

18 INTERPRETER HAZOU: "Moderates."

19 INTERPRETER SHABIB: Thank you.

20 A. Weakened the moderates and almost terminated
21 practically all the institutions and the centers of the
22 Palestinian Security System. This is -- this is the
23 circumstances of the task that they had to go through.

24 You may recall that when Mr. Tenet came and
25 visited the West Bank, and he had a list of 35 wanted

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1 Preventive Security Services prior to the time in
2 September 2000 Arik Sharon went to the Al-Aqsa mosque?

3 (Brief exchange in Arabic between the
4 witness, Interpreter Shabib, and Interpreter
5 Hazou.)

6 A. What do you mean by structure? There was a
7 Preventive Security Service, you have a director, and
8 there were different departments of specialties, and
9 the services and the system had directories in
10 different areas of the West Bank.

11 If you're talking about hierarchy, he says
12 that the upper was a director, you had a general
13 directory, you had operations, you had investigation.

14 INTERPRETER HAZOU: "Analysis."

15 INTERPRETER SHABIB: "Analysis," sorry.

16 A. Investigation, resources, and training. And
17 you had international relations, also. Is that what
18 you meant?

19 Q. Yes, thank you.

20 The structure as you just explained it is
21 for the Palestinian Security Services within the
22 Palestinian Ministry of Interior for the time period
23 before September 2000; is that correct?

24 MS. MATTA: No, he said for the Security
25 Services. The Security Services is not the Preventive

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1 Security.

2 MR. HEIDEMAN: Wait, who said Security
3 Services? I did or you did?

4 MS. MATTA: You did.

5 MR. HEIDEMAN: I'm sorry, I meant Preventive
6 Security Services. I'm going to get to the larger in a
7 moment.

8 A. That's correct.

9 Q. As it relates only to the Preventive
10 Security Services within the Ministry of Interior, did
11 the structure, as you just explained it, change at any
12 time between 2000 and 2005?

13 A. There was a serious modification in the
14 Preventive Security Service.

15 MR. HEIDEMAN: Louder, please.

16 INTERPRETER SHABIB: Okay.

17 Q. What was the serious modification?

18 A. One of the serious modifications is that
19 several tasks could not be fulfilled and could not be
20 implemented.

21 MS. MATTA: "Could not be implemented
22 because they did not exist anymore."

23 MR. HEIDEMAN: No, just a second. I have to
24 object. I thought we agreed to a procedure. The
25 procedure is the witness is going to testify, the

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1 translates to Arabic, the answer is given in Arabic and
2 the translator translates to English, without anyone
3 else being involved.

4 Then if there is something on the record
5 that counsel wishes to put in, because counsel
6 determines it or the check translator recommends that
7 to counsel, we'll deal with that in the procedure
8 previously agreed to.

9 MR. O'TOOLE: One thing we would ask, then,
10 is that if there is a particular word that the
11 translator does not know, the translator should ask on
12 the record for assistance. Because there have been
13 times during the translation where the translator, I
14 think, did not know the word and asked. And in my view
15 it moved much more smoothly that way than having to
16 stop and ask. But if you want to do everything on the
17 record, he should stop and ask.

18 MR. HEIDEMAN: Yes.

19 Mr. Translator, if there is a particular
20 word you don't know what the translation is, write that
21 word down, give the translation as you believe it to
22 be, and then at the end feel free to say, "I have a
23 translator's comment," and then pose your comment as to
24 the translation of the particular word.

25 INTERPRETER SHABIB: Okay.

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1 translator is going to translate, and if somebody
2 disagrees, you'll put a proposed different translation
3 on the record as an objection after that process is
4 completed.

5 MR. O'TOOLE: One thing on the record.

6 MS. MATTA: I'm sorry, counsel, but
7 something was left out. It seemed simpler to do it
8 then, but I appreciate that and we will wait.

9 MR. HEIDEMAN: Thank you.

10 MR. O'TOOLE: One thing to put on the
11 record, though: There are points during the
12 translation where the translator is actually looking to
13 the check translator for assistance. And when that
14 happens, I guess the question that we would have is, is
15 it okay for the check translator to help with a
16 particular word when the translator asks? Or should he
17 just wait until the end, which may slow things down
18 more, I guess is the problem.

19 MR. HEIDEMAN: I didn't hear the translator
20 ask anybody to assist him in translating. If he looked
21 and somebody interpreted that as a request for
22 assistance, one occasion, two occasions, or multiple
23 occasions, that's behind us in the transcript.

24 The procedure should clearly be, the
25 question is asked in English and the translator

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1 MR. HEIDEMAN: Is that an acceptable
2 procedure, counsel?

3 MR. O'TOOLE: That is acceptable.

4 MR. HEIDEMAN: Thank you.

5 Madam Court Reporter, we've been on the
6 record this whole time. Could you please go back to
7 the question that was asked and reread it, and the
8 answer that has been given, and reread the translation,
9 in the event the witness was ready to say something
10 further; and if not, I'll ask the next question. Thank
11 you.

12 (Last two questions and answers read.)

13 MR. HEIDEMAN: Please explain -- please
14 translate the question back to the witness and the
15 answer that he gave, in the event he has something
16 further to say. And therefore, I think the best way to
17 do it is for the court reporter to re-ask the question
18 in English, and as you do so, for the translator to
19 translate that to Arabic. First the question.

20 (Pending question read.)

21 A. I would like to clarify.

22 INTERPRETER SHABIB: He needs to clarify
23 that point.

24 BY MR. HEIDEMAN:

25 Q. He needs to clarify that point?

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1 A. Yes, I would like to clarify that point.

2 The basic task that have been -- that we
3 have been talking about was during the explanation.
4 Now I want to -- I want to assure this task and the
5 explanation of that task.

6 Since the outburst of the Intifada in 2000
7 until 2005, the main -- the main -- the most strategic
8 task of the Preventive Security Service was fighting
9 the extremists and violence, and maintaining hope in
10 the political negotiations. That was the main
11 objective of the Preventive Security Service in these
12 five years.

13 After the destruction of many of the
14 Palestinian Authority -- after the destruction of the
15 Palestinian Authority's buildings and centers,
16 especially the ones of the Preventive Security Service,
17 it became -- it became difficult to accomplish these
18 tasks. Especially after 2002. Especially after 2002,
19 the complete incursion of the West Bank conquered,
20 that's it.

21 INTERPRETER SHABIB: I would like to suggest
22 a different translation at the end of this, so I would
23 have to look at it.

24 A. And the main center, and the main center of
25 the Preventive Security Service in Ramallah was

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1 destroyed. And Jibril Rajoub, the director of the
2 Preventive Security Service, was changed, replaced in
3 2002. In mid-2002 he was replaced and a new director
4 was appointed. And there was Mitchell's report that
5 was made in 2002, and its implementations start in 2003
6 regarding political -- politics, political issues,
7 settlements or -- and security issues.

8 And all of these factors, and in addition to
9 the appointment of a Palestinian prime minister in
10 forming a new government, led to some disputes on
11 tasks, on positions.

12 In all these periods, wherever we could
13 fight terrorism and extremism, we have done that. Even
14 we have arrested people and put them in any place
15 possible, just to imprison them, such as shops, in
16 shops. Because there were no places or centers of the
17 National Authority to put people in, to put arrested
18 people in. This is in general the issue of -- this is
19 in general the issue of the Preventive Security
20 Service. There are internal factors that made the
21 change, and there are exterior factors also that also
22 stimulated the change.

23 (Brief exchange in Arabic between the
24 witness and Interpreter Shabib.)

25 MR. HEIDEMAN: Excuse me. What did you ask

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1 him?

2 INTERPRETER SHABIB: He said --

3 MR. HEIDEMAN: What did you ask him in
4 Arabic?

5 INTERPRETER SHABIB: After saying "interior"
6 and "exterior," he said the word "political factors."
7 I asked him, "Political factors related to the
8 exterior?" It was to make it clear.

9 MS. MATTA: And then he answered.

10 INTERPRETER SHABIB: Yes, then he answered,
11 Mitchell's report and the Road Map.

12 THE WITNESS: These are international
13 factors, not local factors.

14 BY MR. HEIDEMAN:

15 Q. Thank you, General.

16 During your last answers, you indicated
17 that there was a serious modification in the
18 Palestinian Preventive Security Service, and you
19 referenced the destruction of Palestinian Authority
20 buildings and centers of the Palestinian Security
21 Services. You said, I believe, that it was difficult
22 to accomplish the tasks, especially after 2002; is that
23 correct?

24 A. Not in the wide understanding.

25 Q. Please correct me.

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1 A. After 2002, the incursion of the West Bank
2 commenced.

3 Q. You said after 2002, the occupation of the
4 West Bank commenced?

5 A. It already commenced. That shrank the
6 National Authority's role in area A. And the Israeli
7 military and the security system were the ones
8 responsible to do -- in fulfilling these tasks. We did
9 -- we could fulfill the tasks as much as we could in
10 these circumstances, under these circumstances. We
11 could not go on wide operations because of the presence
12 of the Israeli military. Even if we wanted to do
13 anything in area A, we had to request coordination with
14 the Israel military.

15 In addition, that all the presence in the
16 West Bank were destroyed. Not all, the majority of the
17 presence. And all the tasks that we could fulfill, we
18 fulfilled them. And they depended more on our
19 information under those circumstances. With the
20 information that they had, they used this information
21 to coordinate with the Israelis, Israeli military, the
22 local --

23 MS. MATTA: "Regional."

24 A. Regional authorities and the international
25 authorities. And what was weakened was our ability to

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1 fulfill, to do; not our ability to obtain information.
 2 Our actions and the arrests and our actions were
 3 weakened. However, our information was -- we used to
 4 share our information regarding security with Israel.

5 Q. Thank you, General.

6 The serious modification to which you have
 7 been referring, when did that occur?

8 MR. O'TOOLE: Objection, vague.

9 Q. The serious modification to which you have
 10 just referred in your last answer as to the several
 11 tasks that could not be fulfilled, when, sir, did those
 12 serious modifications occur?

13 A. Approximately in the end of 2001, after
 14 mid-2001. It started because their ability to do
 15 started to be weakened, not their ability to obtain
 16 information.

17 For example, the headquarters of the
 18 Preventive Security Service in general was destroyed in
 19 the middle or the end of 2001, so they could not arrest
 20 anyone in Jenin for that reason. But I had a
 21 headquarters in Hebron that was not destroyed, so I
 22 could arrest people.

23 For that reason, one, the implementation of
 24 doing that was modified. What changed? The Service
 25 was looking towards a country, not towards a war.

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1 Their plans towards a country were halted because of
 2 the Intifada, because all of their efforts were
 3 centered on fighting violence and extremism. And all
 4 of the programs and plans of the service were halted,
 5 practically halted. The mobility of work was
 6 interrupted.

7 He gave an example that someone who lives in
 8 Hebron cannot go to Ramallah or to Nablus.

9 All the training programs were stopped. All
 10 programs regarding self-development were halted. So
 11 their only focus was on maintaining the information
 12 that they -- and not give any chance to extremists to
 13 take advantage of the situation to do several things,
 14 not only violence, but theft, do disrespectful things
 15 to people, in light of the situation that is in the
 16 present, in this present.

17 Q. Thank you --

18 A. And new tasks came out in these years.

19 He calls them negative, negative phenomenon.

20 For example, it is known that trade of
 21 weapons, there's always people trading weapons.
 22 However, in the Intifada it became valuable. And a
 23 task that had a lower priority became higher in
 24 priority, such as talking about trading weapons. It
 25 goes back to the example of weapons, that the numbers

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1 that we were talking about in a year became the numbers
 2 that we talk about in one single day.

3 So these issues grew in light of the
 4 conflict, in light of the Intifada. And the trading of
 5 weapons from traders, from the army, from soldiers,
 6 from Israeli weapons traders also; this phenomenon
 7 became big and dangerous.

8 Q. Thank you very much, General. The --

9 MS. MATTA: Can we go off the record for one
 10 minute? I'm sorry.

11 MR. HEIDEMAN: What's the purpose?

12 MS. MATTA: The purpose is that there are
 13 now a number of translation issues that have arisen,
 14 and I'm not sure that we can keep them for another
 15 hour.

16 (Recess taken from 12:38 to 1:00 p.m.)

17 MR. HEIDEMAN: Back on the record for a
 18 stipulation.

19 MS. MATTA: In the previous session there
 20 was some discussion regarding the translation of a
 21 number of words from Arabic into English. The words
 22 that we've discussed on which there is agreement is the
 23 word "makarat," which we have agreed will be translated
 24 as "headquarters" instead of "centers."

25 MR. HEIDEMAN: Pause for a second.

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1 Mr. Translator, the defense counsel has
 2 asked, requested, as it relates to the last answer
 3 only, that they suggest that you used the word
 4 "center," and they propose that that be substituted out
 5 and the word "headquarters" be substituted in.

6 Mr. Translator, the decision on that is
 7 yours. Do you accept that translation substitution?

8 INTERPRETER SHABIB: For language matters, I
 9 do. I hope it won't cause any confusion.

10 MS. MATTA: The second word which was an
 11 issue of some discussion was the word "silakh," which
 12 was translated as "ammunition," but which we suggest
 13 should be translated as "weapons."

14 MR. HEIDEMAN: Mr. Translator, you heard
 15 what defense counsel has said. Do you accept the
 16 substitute translation, to substitute out in this
 17 answer only "ammunition" and substitute in "weapons" --
 18 I'm sorry, substitute out "ammunitions" and substitute
 19 in "weapons"?

20 INTERPRETER SHABIB: Let me clarify
 21 something. I did ask to substitute the word
 22 "ammunition." The counsel suggested the word "arms,"
 23 and I suggested the word "weapons," and I'll stick with
 24 the word "weapons."

25 MS. MATTA: We're fine with that.

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1 The third word that was at issue was the
2 word "ishdi'akh," which the translator translated as
3 "occupation," and we are suggesting it should be
4 translated as "incursion."

5 MR. HEIDEMAN: Mr. Translator, as to this
6 last answer, you've heard what defense counsel has
7 requested in terms of substituting the translation. Do
8 you agree with that substitution?

9 INTERPRETER SHABIB: I do.

10 MS. MATTA: The final word, there has been
11 some dispute but no agreement regarding the word
12 "tijara." The official translator has translated the
13 word as "trade." Defense counsel suggests that it be
14 translated as "trafficking."

15 MR. HEIDEMAN: Was it "trade," counsel, or
16 "trading" that is in the record now? Or both?

17 MS. MATTA: I think it's both.

18 MR. HEIDEMAN: Okay. So Mr. Translator,
19 defense counsel has requested the substitute
20 translation of "trade" and "trading" to "trafficking,"
21 and during the off-the-record discussion, you indicated
22 you did not accept, which is your right as the
23 translator, that proffered substitution of those words
24 to the word "trafficking."

25 And so is it accurate that you do not accept

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1 would like to propose that as to those places where the
2 court reporter does such substitution, that she
3 italicizes it. So at least everyone will clearly know
4 when one looks at it that it is a substituted word as
5 an acceptable substituted translation.

6 MR. O'TOOLE: And we would agree to that and
7 also request that the court reporter italicize the word
8 over which there is a disagreement as well, so that
9 it's clear in the record that that is a word over which
10 there has been disagreement amongst the parties as to
11 the proper translation.

12 MR. HEIDEMAN: So that that record is clear,
13 we have no objection if, as to the word over which
14 there is not an agreement between defense counsel and
15 the translator, that it not only be italicized, but
16 that particular word, wherever it appear, also be
17 underlined, and this way it'll be very clear. And at
18 some point, if it becomes relevant, we can deal with
19 that with the court, should it ever be relevant in this
20 case. Is that agreeable?

21 MR. O'TOOLE: That's completely acceptable,
22 as long as it's convenient for the court reporter.

23 MR. HEIDEMAN: Is that convenient, Madam
24 Court Reporter?

25 THE REPORTER: Yes, it is.

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1 their proposal to substitute out "trade" and "trading"
2 and substitute in "trafficking"?

3 INTERPRETER SHABIB: That's accurate. I do
4 not.

5 MR. HEIDEMAN: Thank you.

6 In order to move us forward, because the
7 clock is ticking in the day, and we have a translator,
8 this translator leaving at two, and another translator
9 hopefully coming into this chair at two, but the
10 witness must leave at three.

11 So therefore, the next issue is, defense
12 counsel, do you have a request as to how the three
13 substituted translations should be handled in the
14 record as to this last answer only?

15 MR. O'TOOLE: We do. The defense counsel
16 would request that the parties stipulate that in this
17 answer the court reporter inserts the agreed upon
18 changes as if they were in the original translation,
19 since now the translator has agreed that those were the
20 proper translations.

21 MR. HEIDEMAN: If you will change your last
22 phrase from "proper translations" to "acceptable
23 translations"?

24 MR. O'TOOLE: And we would.

25 MR. HEIDEMAN: Then we would agree, and I

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1 MR. HEIDEMAN: And is all of that acceptable
2 to you, Mr. Translator?

3 INTERPRETER SHABIB: Of course.

4 MR. HEIDEMAN: Thank you.

5 As we did regarding a previous question when
6 there was a different interpretation of a translated
7 word, we asked the witness to, with the help of the
8 translator, write on to a piece of paper in Arabic the
9 word that was used. So Mr. Translator, please write
10 the word as you believe it to be, and we'll ask the
11 witness if that's the word he used on that particular
12 one issue, "trade" or "trading." Please write the
13 Arabic word.

14 INTERPRETER SHABIB: That's the word.

15 MR. HEIDEMAN: Is that in Arabic?

16 INTERPRETER SHABIB: Yes.

17 MR. HEIDEMAN: And also write it as you
18 believe it to be in English.

19 We are going to ask, Madam Court Reporter,
20 as to both of these words, since fortunately there's
21 only been two so far, you preserve the two pieces of
22 paper you will have received with these Arabic words on
23 them; so in case there is a dispute in the future that
24 becomes important, and we are not able to get to you,
25 that will be preserved, and perhaps will end up being a

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1 photocopied attachment at the back of the transcript.
 2 As that agreeable? With the court reporter's note?
 3 THE REPORTER: With the reminder to all
 4 counsel that I'm based here and not in the United
 5 States, so that if you need to get the original paper
 6 from me, you have to keep that in mind.
 7 MR. HEIDEMAN: That's why I'm asking with a
 8 court reporter's note that at the end you would attach
 9 a photocopy of it.
 10 THE REPORTER: Yes.
 11 MR. HEIDEMAN: Thank you.
 12 Do you have, Mr. Translator, the word over
 13 which there is a disagreement on the translation, in
 14 front of you?
 15 INTERPRETER SHABIB: Yes.
 16 MR. HEIDEMAN: What is that word in
 17 transliterated English?
 18 INTERPRETER SHABIB: As I translate it?
 19 MR. HEIDEMAN: Yes.
 20 INTERPRETER SHABIB: "Trade."
 21 MR. HEIDEMAN: And do you have the Arabic
 22 word?
 23 INTERPRETER SHABIB: Yes.
 24 MR. HEIDEMAN: And what is the Arabic word?
 25 INTERPRETER SHABIB: "Tijara."

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1 MR. HEIDEMAN: Could you write the word
 2 "tijara" in English on the piece of paper?
 3 INTERPRETER SHABIB: Here?
 4 MR. HEIDEMAN: Yes.
 5 (Interpreter complied.)
 6 MR. HEIDEMAN: Now please show this to the
 7 witness so that he can confirm the English spelling of
 8 the word that he used.
 9 INTERPRETER SHABIB: I have to explain to
 10 him first.
 11 MR. HEIDEMAN: Please.
 12 (Brief exchange in Arabic between
 13 Interpreter Shabib and the witness.)
 14 INTERPRETER SHABIB: He confirms it.
 15 MR. HEIDEMAN: Thank you.
 16 INTERPRETER SHABIB: Since the word in
 17 Arabic is "tijara," I wrote T-I-J-A-R-A, so he
 18 suggested to add "H" at the end so it sounds and looks
 19 familiar to the Arabic version of it. So it's not that
 20 crucial, but he wants, so I will do it. It won't
 21 change a lot.
 22 MR. HEIDEMAN: Madam Court Reporter, now
 23 that we are going back to questioning, note the time in
 24 the record.
 25 THE REPORTER: It's now 1:10.

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1 BY MR. HEIDEMAN:
 2 Q. General, in your last answers you referred
 3 to a serious modification of certain things that
 4 happened between September 2000 and 2005.
 5 MR. HEIDEMAN: Off the record for a second.
 6 (Pause in the proceedings.)
 7 MR. HEIDEMAN: Back on the record, and the
 8 translator, because of the interruption off the record,
 9 has requested that the question be read back.
 10 (Pending question read.)
 11 Q. And in that regard, General, if you could
 12 please state to the court in chronological order the
 13 events that occurred, setting a time frame for each for
 14 the period from September 2000 until 2005, we would
 15 appreciate it.
 16 A. First of all, he talked generally about the
 17 important issues. He says that -- from September 2000
 18 until 2005, modifications in security, in finance, and
 19 political modifications occurred during this period of
 20 time.
 21 INTERPRETER SHABIB: Let me fix: Not
 22 financing; economical.
 23 A. And social. Regarding security -- as to
 24 security in these time frames, we witnessed an
 25 occupation on the A area, occupation. The National

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1 Authority lost its meager authority on area A.
 2 Q. As to those two points, and not to interrupt
 3 you, but please tell us when each matter occurred that
 4 affected security.
 5 A. After 2002, after the complete incursion of
 6 the West Bank, especially area A, is still present
 7 until this time, these two points are still relevant.
 8 Q. Thank you.
 9 And when, after 2002, what date, what month
 10 of 2003 did the complete incursion, especially area A,
 11 occur?
 12 A. Different incursions occurred in different
 13 times in the West Bank. What happened, the incursions
 14 happened in some governorates, and other governorates
 15 happened other days, different times and days. The
 16 major incursion occurred in the end of March 2002.
 17 Q. On what date?
 18 INTERPRETER SHABIB: He said the end of
 19 March.
 20 A. The 20th to the 23rd of March, 2002.
 21 Q. On what do you base, sir, your answer as to
 22 the dates of the major incursion March 20 to 23, 2002?
 23 INTERPRETER SHABIB: I want to just say that
 24 he thinks that it's the end of March. Not -- not 22nd
 25 or the 23rd. This is not sure, he's not sure about

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1 those.
 2 (Comments in Arabic by the witness.)
 3 INTERPRETER SHABIB: He --
 4 MR. HEIDEMAN: "I."
 5 INTERPRETER SHABIB: No, the answer came
 6 before your questioning.
 7 A. I base my answers on an example of the
 8 incursion that happened in Hebron when I was the
 9 director there, so I have witnessed this incursion.
 10 That's how I base my answers.
 11 Q. And as it relates to the incursion in
 12 Hebron, when, as best you recall, did that happen, sir?
 13 A. In the dates given.
 14 Q. March 20 to 23, 2002? Is that your
 15 testimony in relation to Hebron?
 16 A. After these dates.
 17 Q. How long after March 20 to 23, 2002, was the
 18 Israeli incursion into Hebron?
 19 A. I'm talking about weeks, not months and
 20 years. The incursion didn't happen once at a time.
 21 The thing is, it's matters of days. It might have
 22 happened the 24th, the 25th, the 26th; it didn't happen
 23 once at a time. There were preparations, and it was
 24 present and anticipated.
 25 Q. What was present and anticipated?

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1 A. The tanks. The tanks were enclosing the
 2 whole governorate.
 3 Q. And that's in relation to Hebron?
 4 A. It have happened in Hebron and have happened
 5 in other governorates.
 6 Q. Did the Israeli incursions into other
 7 governorates other than Hebron happen before or after
 8 the Israeli incursion into Hebron?
 9 A. Both before and after.
 10 Q. In what areas were there Israeli incursions
 11 before the Hebron incursion in March, in late March or
 12 thereafter of 2002?
 13 A. Bethlehem.
 14 INTERPRETER SHABIB: Before?
 15 A. Before he only recalls Bethlehem, Tulkarm,
 16 Qalqilyah.
 17 Q. Bethlehem, you said the incursion was before
 18 Hebron?
 19 A. Correct.
 20 Q. As to Jenin, was it before or after Hebron?
 21 A. Jenin, after.
 22 Q. And as to Tulkarm?
 23 A. He supposes it's before. Because we're
 24 talking about a week, a week that the whole incursion
 25 of the West Bank occurred. There was a siege, and

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1 we're talking about a distance, a distance that between
 2 two cities, regarding whether they're going to enter or
 3 not enter.
 4 Sometimes, sometimes there were cases of
 5 entering and exiting the cities. For that reason we
 6 cannot talk about it as a certain time and date. For
 7 example, it could be possible that three times enter
 8 for two hours and exit the same day. The title of
 9 complete incursion was given to the incursion on the
 10 city of Ramallah and the governorate of Ramallah.
 11 Q. When did that occur, the complete incursion
 12 on the city of and the governorate of Ramallah?
 13 A. March 28th.
 14 Q. March 28th of which year?
 15 A. 2002.
 16 Q. Prior to the complete incursion of March 28,
 17 2002, had any of the Preventive Security Service
 18 centers or headquarters been destroyed by the Israelis
 19 or anyone else?
 20 A. Yes.
 21 Q. Which Palestinian Preventive Security
 22 Centers had been destroyed, and by whom, and when,
 23 prior to March 28, 2002?
 24 A. The Tulkarm center, Bethlehem center, by
 25 Israelis in mid-2001. In Jenin, Hamas and the Jihad

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1 al-Islami tried to destroy the headquarters of the
 2 Preventive Security Service, also in Hebron they have
 3 also tried to destroy the headquarters of the
 4 Preventive Security Service.
 5 MS. MATTA: "Hamas."
 6 INTERPRETER SHABIB: And Jihad, yes.
 7 INTERPRETER HAZOU: "Islamic Jihad."
 8 MR. HEIDEMAN: Did he say, George, "Islamic
 9 Jihad" or --
 10 INTERPRETER HAZOU: Yes.
 11 MR. HEIDEMAN: Did the witness say "Islamic
 12 Jihad"?
 13 INTERPRETER SHABIB: Yes.
 14 MR. HEIDEMAN: Let the record so reflect.
 15 Also, Mr. Translator, in my questions I used
 16 the words Preventive Security Services centers or
 17 headquarters. Did the witness answer, Mr. Translator,
 18 with the Arabic word for "centers" or "headquarters" or
 19 was it the same word? Because if so, the record should
 20 reflect "headquarters," and I will ask the next
 21 question as "headquarters," if that's what defense
 22 counsel is thinking.
 23 Yes?
 24 MS. MATTA: That's fine.
 25 MR. HEIDEMAN: Which did the witness use?

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1 Was there a different word for "centers" or
2 "headquarters"?

3 INTERPRETER SHABIB: No, the same word he
4 used before, for other reasons.

5 MR. HEIDEMAN: So as to the last answers to
6 my question when I referred to Preventive Security
7 Services centers or headquarters, may there be a
8 stipulation, then, that the word "headquarters" will be
9 used in place of the word "centers"?

10 MR. O'TOOLE: We would so stipulate.

11 MR. HEIDEMAN: That's not actually our
12 request, but I know you requested it before, and I
13 thought I would get that cleared up. So now back to
14 the witness.

15 MR. O'TOOLE: Thank you.

16 BY MR. HEIDEMAN:

17 Q. Were any other Preventive Security Service
18 headquarters destroyed by anyone prior to March 28,
19 2002, other than Tulkarm and Bethlehem in mid-2001, and
20 the attempts by Hamas and Islamic Jihad in Jenin and
21 Hebron?

22 A. He's just clarifying that some were attempt
23 to destroy and some were destroyed.

24 Some headquarters were -- there were
25 attempts to destroy the headquarters. We were fired,

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1 National Authority, only area A. The areas that have
2 cities in them, these areas that were agreed on, except
3 Hebron, that had a separate agreement --

4 MR. HEIDEMAN: We're off the record, please.
5 (Recess was taken from 1:34 to 1:35.)

6 MR. HEIDEMAN: Could you just read to the
7 witness the last answer he gave, just the one portion.
8 (Last answer read.)

9 BY MR. HEIDEMAN:

10 Q. So would it be accurate to say, General,
11 that after 1996, the Palestinian National Authority had
12 the sole authority and responsibility for security in
13 area A?

14 A. The areas from which the forces have
15 withdrawn have become area A, and the national -- the
16 Palestinian National Authority have obtained a
17 responsibility and authority over these areas.

18 Q. Thank you.

19 Did there come any specific time when the
20 Palestinian National Authority lost its authority
21 and/or responsibility for security in area A?

22 A. After the outburst of the Intifada.

23 Q. On what date did the Palestinian National
24 Authority no longer have authority and responsibility
25 for security in area A?

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1 they threw bombs on us, but the attempts failed because
2 a firebomb will not destroy a building of headquarters.

3 Q. Thank you.

4 MS. MATTA: "Hamas" again.

5 INTERPRETER SHABIB: Oh, yes. Hamas and
6 Islamic Jihad had the attempts to destroy.

7 MR. HEIDEMAN: Thank you.

8 Q. General, each of the locations of Preventive
9 Security Services headquarters that were destroyed or
10 where there were attempts to destroy --

11 INTERPRETER SHABIB: Could you restart the
12 question?

13 MR. HEIDEMAN: Yes.

14 BY MR. HEIDEMAN:

15 Q. General, as to each of the Preventive
16 Security Service headquarters that were destroyed or
17 where there were attempts to destroy as you've just
18 described, were they all located in area A, or were
19 some located in area B or C?

20 A. The concentration was in area A.

21 Q. And after the Oslo Accords in 1994 and 1995,
22 who had the sole responsibility and authority for
23 security in area A until March 28, 2002?

24 A. In '96, at the beginning of the Israeli army
25 withdrawal from area A, the authority moved to the

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1 A. After the outburst of the Intifada, it is
2 true that we had -- we had responsibility for the
3 geographical area in area A. However, the Israeli
4 forces had started operations in area A.

5 Q. When?

6 A. With -- in the beginning of 2001.

7 MR. HEIDEMAN: I'm sorry, the answer?

8 INTERPRETER SHABIB: The beginning of 2001.

9 Q. And earlier you told us that the incursion
10 into Ramallah occurred on March 28th, 2002; is that
11 correct?

12 A. Correct.

13 Q. From 1996 until March 28th, 2002, did the
14 Palestinian National Authority have the authority and
15 responsibility for security in the Ramallah governorate
16 until March 28th, 2002?

17 A. From '96?

18 Q. Yes.

19 A. It is true that they had authority and
20 responsibility from '96, where they have obtained the
21 authority, until the beginning of the Intifada they had
22 -- they still have the authority and responsibility
23 through the serious modifications that occurred in that
24 period of time. From the beginning of the Intifada
25 until 2002, when the major incursion happened, the

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1 Palestinian Authority did and fulfilled the tasks they
2 had as much as they could, as much as possible. At the
3 same time, the Israeli forces had operations in the
4 same areas.

5 Q. Thank you.

6 Just so the record is clear, do I understand
7 that the date of the major incursion to which you just
8 referred is March 28, 2002; is that correct?

9 A. It's the date. As I suppose and as I think,
10 it's the 28th. It might be the day before or the day
11 after. I'm still certain that's it.

12 Q. So it might be March 27th, March 28th, or
13 March 29th, 2002; is that the date of the major
14 incursion by the Israelis into Ramallah and the rest of
15 area A?

16 A. I can say by my knowledge that it happened
17 from March 20th and later on. For example, on the 20th
18 and 21st, they have entered Ramallah, but they have
19 sieged Arafat's headquarters on the 24th and 25th. And
20 they sieged the headquarters of the directorate of the
21 Preventive Security on the 26th. These are all the
22 times. We are talking about dates of a group of
23 events, not one event.

24 Practically from the beginning of February
25 2002, the incursion of the West Bank have commenced.

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1 This -- and this date when the Israeli forces started
2 to enter area A and stay there for several days and
3 leave.

4 Q. Thank you.

5 And as to the date of the major incursion to
6 which you have referred on a number of occasions, do we
7 understand that that was on March 27th, March 28th, or
8 March 29th, 2002?

9 MR. O'TOOLE: Objection as to "the major
10 incursion." I'm not sure that --

11 MR. HEIDEMAN: That was the word he used.

12 MR. O'TOOLE: I'm not sure he used it on a
13 number of occasions.

14 MR. HEIDEMAN: I'll rephrase.

15 BY MR. HEIDEMAN:

16 Q. As to the use your use of the term "major
17 incursion," on March 28, 2002, or the day before or the
18 day after, tell the court what occurred as part of that
19 major incursion, on or about that date?

20 A. An operation happened inside Israel in the
21 Dolphinarium restaurant, called the Dolphinarium, and
22 the Israeli leaders met and decided to destroy the
23 national -- to destroy the Palestinian National
24 Authority. Therefore, they have declared there are no
25 red lines.

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1 In these times the international community
2 intervened, especially the Americans, and they have
3 requested to find some effort to find some settlement.
4 Unfortunately, we did not have any --

5 MR. HEIDEMAN: "Unfortunately we did not
6 have any?"

7 INTERPRETER SHABIB: Results.

8 A. The Israeli forces and the military entered,
9 sieged all the city of Ramallah and al-Bireh and kept
10 inside the city, sieged the Muqata'a, sieged Yasser
11 Arafat's headquarters, and sieged some buildings and
12 some other headquarters, and started a gradual siege on
13 Yasser Arafat's headquarters. They enforced a --

14 MS. MATTA: "Curfew."

15 INTERPRETER SHABIB: "Curfew."

16 A. Curfew all over Ramallah and took over the
17 whole city. And on the third day started sieging the
18 headquarters of the Preventive Security leadership
19 directorate, and started destroying the building of the
20 Preventive Security Services headquarters when 200
21 people were still inside the building. And there were
22 people from Hamas still arrested and still inside the
23 building of the Preventive Security Services.

24 Two days after, the Israelis arrested all
25 the members of the Preventive Security Service,

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1 including the ones arrested, the Hamas people arrested
2 with them. Some were freed and some stayed in prison
3 for days.

4 Q. On what date did the operation inside Israel
5 at the Dolphinarium, to which you have referred, on
6 what date did that occur?

7 A. Around the end of March. He say that there
8 is some holiday or occasion in that.

9 Q. When you use the word "operation," General,
10 are you referring to a terrorist attack inside Israel?

11 A. Yes, of course.

12 Q. And the Dolphinarium is a restaurant located
13 on the beach in Tel Aviv; is that correct?

14 A. Yes, it's a restaurant.

15 Q. And was that a suicide bombing attack?

16 A. Yes.

17 Q. And who took responsibility, and according
18 to your information, who committed that attack in terms
19 of which terrorist organization or group?

20 A. Two organizations: Hamas and the Islamic
21 Jihad whom have declared their responsibility for this
22 operation.

23 Q. Thank you.

24 Now, on March 24, 2002, the victim in this
25 case, Esther Klieman, "aleha ha'shalom," was shot and

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1 killed.

2 Did that occur, General, as best you recall,
3 before or after the Dolphinarium terrorist attack about
4 which you've just testified?

5 A. I suppose that it's before.

6 Q. So that the record is clear, General, do you
7 believe that the murder of Esther Klieman occurred
8 before the Dolphinarium terrorist attack or after the
9 Dolphinarium terrorist attack, and my question is,
10 which occurred first, as best you recall?

11 A. You should refer to the dates and -- could
12 you refer and search for the dates of the Dolphinarium
13 operation and the date of the killing of Esther and you
14 would know. If that is -- it might be very important
15 to you, these two incidents. For him, it's not that
16 important because he have witnessed -- I have witnessed
17 many major incidents --

18 THE WITNESS: (In English.) No, no. It's
19 very important.

20 A. (Translated.) It is, it does concern me,
21 but there are other major incidents and issues that
22 concern me every day, it happens every day.

23 Q. Thank you.

24 A. You might search the dates and see what
25 comes first.

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1 Q. Yes, we'll do so. Thank you, General.

2 I was merely asking, as you sit here today,
3 if you recall the sequence of which occurred first, the
4 Dolphinarium terrorist attack or the murder of Esther
5 Klieman. If you don't recall as you sit here, we'll
6 move on.

7 (Brief comment in Arabic by the witness.)

8 MS. MATTA: I have to object here because
9 the question was actually translated incorrectly. What
10 you said was, "I would like to know as you're sitting
11 here if you recall the particular dates" --

12 MR. HEIDEMAN: Is that an objection? I'll
13 rephrase the question.

14 MS. MATTA: It's not an objection to your
15 question; it's to the translation.

16 MR. HEIDEMAN: I'll withdraw the question
17 because time is so precious.

18 BY MR. HEIDEMAN:

19 Q. General, as you sit here now, do you recall
20 the date of the Dolphinarium terrorist attack?

21 A. No.

22 Q. Thank you.

23 In relation to March 24, 2002, the date on
24 which Esther Klieman was killed, please tell the court
25 who murdered her?

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1 MR. O'TOOLE: Objection to the extent it
2 calls for information not within personal knowledge or
3 the knowledge of the Palestinian Authority.

4 MR. HEIDEMAN: I'll rephrase the question.

5 Q. Based upon your personal knowledge and the
6 information available to the Palestinian National
7 Authority, who murdered Esther Klieman on March 24,
8 2002?

9 A. He regrets that. We are all humans and we
10 dislike death.

11 I personally do not know who killed her.
12 It's possible that in these days, through the lawyers
13 and attorneys, I've heard some names were accused of
14 killing her. Personally I have no information about
15 who have killed the late Esther Klieman, may she rest
16 in peace.

17 Q. Thank you, General. As --

18 MS. MATTA: "May she rest in peace."

19 INTERPRETER SHABIB: I did say that.

20 THE REPORTER: The interpreter did say that;
21 it's on the record.

22 BY MR. HEIDEMAN:

23 Q. Thank you, General.

24 As the designee of the Palestinian National
25 Authority, please advise the court, according to the

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1 information known to the Palestinian Authority, who
2 killed Esther Klieman on March 24, 2002?

3 MR. O'TOOLE: Objection. Can we have some
4 clarification as to the date on which it was known to
5 the Palestinian Authority, just some limitations as to
6 when the information was known?

7 MR. HEIDEMAN: No.

8 A. He says that you claim that the Palestinian
9 Authority has some information. He says that -- I
10 personally do not have any information. If you do have
11 documents that state that the Palestinian Authority has
12 this information, you can refer to it.

13 Q. General, as the designee of the Palestinian
14 Authority testifying here today, please tell the court
15 whether at any time the Palestinian National Authority
16 has learned or determined who killed Esther Klieman on
17 March 24, 2002?

18 A. I officially do not know and was not
19 notified who is accused and what -- which names were
20 named accused of the killing. If there are people --
21 if there are people who were arrested by the Israelis
22 and confessed, disregarding if they were accurate or
23 not, that they have killed, this is another issue.

24 I myself officially state, we were not
25 officially notified by the Israeli side as part of our

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1 security coordination who killed -- who was responsible
2 for the kill at that time. This is first.

3 Did the incident occur in area A?

4 INTERPRETER SHABIB: This is a question,
5 sir.

6 A. Was it under the responsibility of the
7 security authority?

8 Q. You are testifying here, General, not
9 personally, but as the designee of the Palestinian
10 National Authority.

11 Accordingly, I ask you to tell the court on
12 behalf of the Palestinian National Authority what
13 knowledge the Palestinian Authority has as to the
14 identity of the persons, person or persons, who
15 murdered Esther Klieman?

16 A. On behalf of the National Authority, we were
17 not officially notified from the Israelis who have
18 killed the victim. We did not get any names, even
19 though at that time the situation was getting worse.
20 For that reason, there was no coordination in this
21 issue. Or if that have happened outside of area A,
22 that would be under the responsibility of the Israeli
23 authorities, and they will not share anything with us.

24 I personally, I personally have no
25 information. We were not notified in which area the

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1 INTERPRETER SHABIB: I have to go. I
2 translated the last part.

3 MR. HEIDEMAN: We'll just finish this one
4 area and then you'll leave.

5 INTERPRETER SHABIB: Should I translate what
6 the objection also said?

7 MR. HEIDEMAN: Yes -- well, why don't I make
8 it clear. Translate what I say.

9 BY MR. HEIDEMAN:

10 Q. In answering this last question, General,
11 please do not disclose any communications you've had
12 with your attorneys.

13 Now you may answer the question, please.

14 A. I personally and officially do not know if
15 the Israelis have notified the Palestinians with names
16 of any killer.

17 Q. Thank you.

18 Does the Palestinian National Authority
19 have any information, other than from its attorneys, or
20 made a determination as to who killed Esther Klieman on
21 March 24, 2002?

22 A. The National Authority listens that there
23 are arrested people, arrested in the Israeli prisons
24 and have confessed, and I do not know if their
25 testimony was -- how their testimony was taken and

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1 incident happened. They used to cooperate and share
2 some information with us even in other areas, but we do
3 not know, and we did not get any information about the
4 identity of the killer or the area of the incident,
5 where the incident have occurred.

6 Q. Is it your testimony, General, that at no
7 time since March 24, 2002, has the Palestinian
8 Authority learned or determined the identity of the
9 person or persons who killed Esther Klieman on
10 March 24, 2002?

11 MR. O'TOOLE: Objection to "is that your
12 testimony," because earlier --

13 MR. HEIDEMAN: I'll rephrase.

14 Q. General, please tell the court, as the
15 designee of the Palestinian National Authority, whether
16 or not at any time the Palestinian Authority has
17 learned from any source or determined for itself who
18 killed Esther Klieman on March 24, 2002?

19 MR. O'TOOLE: Objection as to the "any
20 source," to the extent that that would include
21 attorney-client privileged communications.

22 MR. HEIDEMAN: You may answer the question.

23 MR. O'TOOLE: Except to the extent that it
24 includes attorney-client privileged communications, in
25 which case I'll instruct the witness not to answer.

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1 whether it was legal or not legal, or if there were --
2 if they have committed this murder or not, this kill or
3 not. But the National Authority does know that there
4 are names listed to this issue.

5 Q. Did the Palestinian National Authority
6 conduct its own investigation at any time into the
7 murder of Esther Klieman which occurred on March 24,
8 2002?

9 MR. O'TOOLE: Objection, same objection as
10 to whether that includes -- the "at any time" includes
11 investigations conducted by the attorneys in connection
12 with the lawsuit.

13 MR. HEIDEMAN: I think your interference is
14 unwarranted. My question did not imply any information
15 being sought that's covered by attorney-client
16 privilege.

17 So let there be an instruction to the
18 witness from you and from me that in answering these
19 questions, he's answering it officially on behalf of
20 the Palestinian Authority, and not to refer to any
21 matter that is covered by the attorney-client
22 privilege.

23 MR. O'TOOLE: We will so stipulate. My only
24 concern was that the witness is not a lawyer, so he may
25 not understand that an investigation conducted during a

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1 lawsuit by the lawyers could potentially be covered by
2 the privilege.

3 MR. HEIDEMAN: Potentially.

4 MR. O'TOOLE: Potentially. But as opposed
5 to the investigations conducted for law enforcement
6 purposes by the Palestinian Authority, which I think is
7 the proper focus of the question.

8 MR. HEIDEMAN: I'll rephrase the question.

9 BY MR. HEIDEMAN:

10 Q. Has the Palestinian National Authority
11 conducted any investigation into who killed Esther
12 Klieman on March 24, 2002?

13 A. What I recall, and I do recall more now,
14 that the incursion occurred days after her killing.
15 For that reason the National Authority did not have the
16 opportunity to conduct any investigations. Not because
17 they didn't want to; I think that they had no chance,
18 no opportunity to conduct such investigations.

19 The National Authority generally used to
20 investigate in all cases possible to. For example,
21 there was a wanted person that Israel requested us to
22 arrest in Hebron, and that night, the night of the
23 request, the incursion occurred. We could not get him
24 into Hebron, so he stayed in a house in Doura, and the
25 military killed him there, even though they know --

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1 even though we have coordinated with them and they know
2 he is staying there. So if there was arrest and
3 investigation possible, we could have done that.

4 MS. MATTA: "Would have."

5 INTERPRETER SHABIB: "Would have done that."

6 A. For that reasons, I think there was no
7 opportunity for the Authority to investigate. Or in
8 similar cases, in similar dates, not only this case,
9 maybe there have occurred, other incidents have
10 occurred.

11 Q. Thank you, General --

12 INTERPRETER SHABIB: I haven't finished to
13 translate it yet.

14 A. As a result of what have happened and what I
15 have explained before, the National Authority does not
16 have the ability to make any investigations.

17 Q. Thank you.

18 At any time from March 24, 2002, until
19 today, has the Palestinian National Authority conducted
20 its own investigation into the murder of Esther Klieman
21 which occurred on March 24, 2002?

22 MR. O'TOOLE: Objection, as it to the extent
23 it calls for attorney-client privilege, and objection
24 as asked and answered.

25 MR. HEIDEMAN: It has not been asked and

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1 answered, and as to attorney-client privilege, the
2 witness has already been instructed on that matter.

3 Just simply so the record is clear and
4 because the translator must leave, I will rephrase the
5 question.

6 BY MR. HEIDEMAN:

7 Q. General, as the designee of the Palestinian
8 National Authority, please tell the court whether or
9 not at any time since the day Esther Klieman was killed
10 on March 24, 2002, the Palestinian Authority has
11 conducted its own investigation into her murder?

12 And in answering this question, please do
13 not disclose to us any attorney-client privileged
14 communications. Please do not disclose to us any
15 attorney-client privilege communications you may have
16 had with your attorneys.

17 A. I respect all victims, and I suppose each
18 one who have had a victim may consider it the most
19 important case. The National Authority, after the
20 rough situations and incidents that have occurred
21 during the years between 2000 and 2005 and '6, it's
22 concern was strategic. With all due respect to these
23 incidents, the National Authority's concern was a
24 strategic one, not discussing these incidents.

25 Therefore, there was an effort to look for a

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1 possibility to not having any other victims; how to
2 reach any understanding between us and the Israelis to
3 prevent any victims, any other victims. Any other
4 victim have all the respect. So the discussion was not
5 restricted to this -- to individual cases, as this
6 case.

7 The discussion was restricted to the
8 strategic issue. We have discussed violence as
9 violence, as violence in whole; terrorism as terrorism;
10 occupation as occupation. These are the basic and
11 strategic issues, and the presence of these issues is
12 what causes and what brings victims.

13 The other point is that the National
14 Authority, after 2002, all of the National Authority's
15 headquarters and centers in 2003, 2004, and 2005 were
16 destroyed. You're talking about semi-authority, not an
17 authority.

18 MS. MATTA: "The shadow of an authority."

19 MR. HEIDEMAN: Excuse me, counsel.

20 A. Semi-authority, not an authority. A very
21 weak Authority. An Authority that was weakened by the
22 occupation and the destruction of the majority of its
23 institutions, and an Authority that Hamas does any
24 action they wish, and the Israeli reactions is against
25 the Authority. That's the reality of the National

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1 Authority. You are not talking about an authority in a
2 great shape where all its systems and institutions are
3 working appropriately. It's a destroyed Authority that
4 cannot conduct such investigations and such activities.

5 For that reason, I have talked -- I have
6 mentioned before that our relationship with the
7 Israelis have changed, along with other modifications
8 we talked about, and the case of information and
9 implementation. And for that reason, there are
10 victims. And the National Authority does not have the
11 ability to investigate, and it might -- and the
12 incident which have happened, it is possible the
13 incident would have happened outside of area A and it's
14 not under the direct responsibility of the National
15 Authority.

16 However, as an Authority, we made a great
17 effort to prevent any victims in A and B and C, and
18 unfortunately, some incidents have occurred. With all
19 due respect, there are victims, there are Palestinian
20 and Israeli victims that have paid the price.

21 Q. Thank you, General, for that explanation,
22 but as to my specific question as to whether or not the
23 Palestinian National Authority at any time since
24 March 24, 2002, has conducted its own investigation
25 into the murder of Esther Klieman, and without

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1 witness and Interpreter Shabib.)

2 A. He said that when I answer this question, I
3 do not have to refer to any information I have obtained
4 from my attorney. You have requested that.

5 Q. Yes, thank you.

6 Now, with that understanding, General,
7 please tell the court whether or not, yes or no, the
8 Palestinian National Authority at any time since
9 March 24, 2002, has or has not conducted its own
10 investigation into the murder of Esther Klieman?

11 A. My answer was clear. In legal understanding
12 of the term, I am not responsible for this incident.
13 For that reason, as a result of destroying the National
14 Authority and the institution of the National
15 Authority, if we wanted to do an investigation, we
16 would not have the ability.

17 With all due respect to your comments, this
18 question cannot be answered by yes or no. You can ask
19 anyone you want. However, I can't answer any way I
20 want. We were in a situation that we could not and we
21 were not capable of conducting any investigation, even
22 if we wanted.

23 Even the ones that we have arrested, without
24 any relation to this case, we have arrested them and
25 imprisoned them in shops and in commercial places; how

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1 referring to any attorney-client privileged
2 information, do I understand from your last answer that
3 as to the question as to whether or not the Palestinian
4 National Authority has conducted an investigation into
5 the murder of Esther Klieman, the answer is no?

6 A. We are talking about reality. You may talk
7 about a single incident. And we might talk legally and
8 politically. Politically, we are partners in making
9 peace. And our task and our goal is to create an
10 atmosphere that helps, helps making peace.

11 Legally, I am responsible for area A. And
12 these areas only, I am responsible only for these
13 areas. And the incidents that occur in A, before
14 weakening the Authority and destroying its
15 institutions, I take responsibility. Other than that,
16 I do not. This is legally.

17 Politically, I have explained. We are
18 partners in everything. And we take responsibility as
19 a result of our faith in political partnership, not in
20 a legal approach.

21 Q. Thank you, General.

22 In answering this question, please to not
23 refer to any attorney-client privileged information; do
24 you understand that? Do you understand?

25 (Brief exchange in Arabic between the

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1 could it be possible to arrest even more people?

2 MS. MATTA: "How could it be possible to
3 conduct an investigation" --

4 INTERPRETER SHABIB: "Conduct an
5 investigation and arrest more people."

6 A. Third point: We were responsible only for
7 area A. We take responsibility when we were able in
8 area A, when we were able, when we were capable.

9 Q. General, has the Palestinian National
10 Authority conducted its own investigation into the
11 murder of Esther Klieman? You did or you didn't; the
12 answer is yes or no. Which is it, please, sir?

13 A. The National Authority, when circumstances
14 allowed it, allowed her and became possible, the
15 National Authority, when it was possible, when they
16 were capable to rejuvenate the negotiations and the
17 talking between them and the Israelis, and the
18 international community have made a qualification of
19 the situation.

20 (Brief exchange in Arabic between
21 Interpreter Shabib, Interpreter Hazou, and Ms. Matta.)

22 MS. MATTA: "Assessment."

23 A. Assessment to the whole period of time the
24 ones who -- with victims from the two sides. We did
25 not take names in specific cases. We take the

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1 phenomenon as it is: How could we control and stop
2 violence; how could we change the mentality; and how
3 could we train people to face cells of extremity and
4 terrorists; how could we and the Israelis cooperate in
5 A and B and C.

6 And is it possible for us to work in B and
7 C? Until now we cannot work in area C. And if we
8 conduct any activity in C, our officers will get
9 arrested. So we are discussing strategically, with all
10 due respect to the personal cases and victims.

11 MR. O'TOOLE: Can we take a break? I think
12 the witness is very tired, and I think a break would be
13 very helpful to the process.

14 MR. HEIDEMAN: We're off the record.
15 (Interpreter Shabib left the proceedings.)
16 (Recess taken from 2:37 to 2:48 p.m.)

17
18 RANA SAED

19 The interpreter, was duly affirmed
20 to translate from English to Arabic
21 and from Arabic to English.

22
23 MR. HEIDEMAN: We're back on the record.
24 During the recess, counsel conferred, and since the
25 witness has, by preagreement, needs to depart at three

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1 o'clock, and as the translator had to leave and we now
2 have a new translator, counsel have agreed to recess at
3 this time for the deposition to recommence at another
4 mutually agreeable date.

5 And General, we thank you very much for your
6 time today, and we stand in recess by agreement of
7 counsel.

8 MR. O'TOOLE: That is correct.
9 (The deposition concluded at 2:49 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, AMY R. KATZ, RPR, do hereby certify:

4 That, prior to being examined, the witness
5 named in the foregoing deposition was duly affirmed by
6 me to testify to the truth, the whole truth, and nothing
7 but the truth;

8 That the foregoing deposition was taken
9 before me at the time and place herein set forth, at
10 which time the aforesaid proceedings were
11 stenographically recorded by me and thereafter
12 transcribed by me;

13 That the foregoing transcript, as typed, is
14 a true record of the said proceedings;

15 And I further certify that I am not
16 interested in the action.

17
18 Dated this 9th day of July, 2010.

19
20
21 _____
22 AMY R. KATZ, RPR

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1 CERTIFICATE OF WITNESS

2 EST. OF ESTHER KLIEMAN v. Palestinian Authority, et al.
3 PAGE LINE CHANGE REASON

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17 ***

18 I, MAJED FARAJ, witness herein, do hereby
19 certify and declare the within and foregoing
20 transcription to be my examination under oath in said
21 action taken on June 17, 2010; that I have read,
22 corrected, and do hereby affix my signature under
23 penalty of perjury to said examination under oath.

24
25 _____
MAJED FARAJ, Witness Date